



UNITED STATES PATENT AND TRADEMARK OFFICE

MN
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,694	11/18/2003	Robert D. Lord	085804-011400	5379

32361 7590 07/03/2007
GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
----------	--------------

2143

MAIL DATE	DELIVERY MODE
-----------	---------------

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,694	Applicant(s) LORD ET AL.	
	Examiner Alina N. Boutah	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed January 3, 2007. Claims 1-14 and 18 are pending in the present application.

Election/Restrictions

Applicant's election without traverse of claims 1-14 and 18 in the reply filed on April 17, 2007 is acknowledged.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to disclose a "programmable processor" or a "medium" as claimed in the independent claims 1 and 12.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A medium" is non-statutory as not being **tangibly embodied** in a manner so as to be executable. In view of the specification and Applicant's

Art Unit: 2143

remark on page 9, the process in the claims is implemented by any combination of software, firmware and hardware. Software, per se, is not statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US

2002/0013852 by Janik.

Regarding claim 1, Janik teaches a set of stored instructions embodied on a medium that, when read by a programmable processor, results in the processor performing a process, the process comprising:

collecting meta data information describing media files available for experiencing by a user using on a host of the process (figure 1: 96; paragraph 0132);

receiving from a process executing at a remote client a request for at least some of the meta data information [0120];

communicating to the remote client process the requested meta data information and an identifier for each media file described by the requested meta data information, the identifier uniquely identifying the media file [0120];

receiving from the remote client process a request to transfer a media file selected by the user at the remote client, the request including the identifier of the selected media file [0120];
and

transmitting the requested media file to the remote client the as a stream, so that the user is able to select from the media files available to the user at the host one or more media files to be experienced by the user at the remote client (figure 1: paragraphs 0003, 0117; 0162).

Regarding claim 2, Janik teaches the set of stored instructions of claim 1, wherein the identifier is a uniform resource identifier [0132].

Regarding claim 3, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises communicating to a remote server a wide area network (WAN) address to be used to connect to the process over the WAN (abstract: internet).

Regarding claim 4, Janik teaches the set of stored instructions of claim 3, wherein the process further comprises determining whether a connection can be established with the process via the (WAN) [0082].

Regarding claim 5, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises configuring a network address translation (NAT) router to enable the process to receive communications from a wide area network (WAN) [0107].

Regarding claim 6, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises automatically discovering other instances of the process running on other host devices connected the process host, the other host devices having media files available for experience by the user [0115].

Regarding claim 7, Janik teaches the set of stored instructions of claim 6, wherein the process reports to the remote server information on the other instances of the process discovered by the process [0115].

Regarding claim 8, Janik teaches the set of stored instructions of claim 6, wherein the other instances of the process have associated client processes, and wherein the process receives

Art Unit: 2143

a request from the remote client process to transmit a media file as a stream to one of the other client processes [0120].

Regarding claim 9, Janik teaches the set of stored instructions of claim 1, wherein the process further comprises searching the local for media files and storing meta data describing the located media files [0079].

Regarding claim 10, Janik teaches the set of stored instructions of claim 9, wherein the process searches media further comprises searching devices connected with the host for media files [0089].

Regarding claim 11, Janik teaches the set of stored instructions of claim 1, wherein the process transmits one stream at a time (abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik.

Regarding claim 12, Janik teaches a set of stored instructions embodied on a medium that, when read by a programmable processor, results in the processor performing a process at a local host, the process comprising:

connecting to a process executing at a remote host [0102];

receiving from the process information and an identifier for each media file available for experiencing by a user using the remote host, the identifier uniquely identifying the media file [0192];

receiving at least one media file selection by a user using the information received from the process [0120]];

transmitting to the process a request for the media file selection as a stream so that the user is able to select from the media files available to the user at the remote host one or more media files to be experienced by the user at the local host (figure 1: paragraphs 0003, 0117; 0162).

Although Janik does not explicitly disclose the process executing at the remote host being an agent process, one of ordinary skill in the art would have recognized that an agent is simply a part of the system that performs information exchange on behalf of a client or server. The use of an agent is well known in the networking art.

Art Unit: 2143

Regarding claim 13, Janik teaches the set of stored instructions of claim 12, wherein the unique identifier comprises a uniform resource identifier (URI) [0132].

Regarding claim 14, Janik teaches the set of stored instructions of claim 12, wherein the process further comprises transmitting a request for information describing media files available for streaming to the client process (abstract).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Jacoby.

Regarding claim 18, Janik teaches a set of stored instructions of claim 12, wherein the process further comprises:

connecting over a wide area network (WAN) to a central server (abstract; figure 1).

However, Janik does not explicitly teach authenticating with the central server using an identifier associated with the agent process; obtaining from the central server a WAN address for an agent process; and connecting to the agent process at the WAN address.

In an analogous art, Jacoby teaches streaming media file from a server to a client player over the network. The streaming includes a metering URL (meta data), which allows the client to request and obtain media files which permits the transmission of the media file to be played on

Art Unit: 2143

the client's media player (abstract; figures 1 and 5). Client is able to access to the server by authentication [0040, 0048,0050,0054]. At the time the invention was made, one of ordinary skill in the art would have been motivated to incorporate the teaching of Jacoby into the teaching of Janik in order to provide access security to the system, thus making the system more protected.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In response to Applicant's argument that Janik does not teach the invention in which "a user can select media content using meta data information collected for media files available to the user at a host device and transmitted to a client device, the media content selected by the user at the client being requested from the host device and transmitted to the client so that the user is able to select from the media files available to the user at the host of one or more media files to be experienced by the user at the client" (argument page 12), the PTO respectfully disagrees and submits that this is taught by Janik. Paragraphs 0074-0081, for example, disclose contents on the internet that is arranged for delivery to local client devices by a system that allows for graphical icons, which is referred to as content objects. The content object is a representation of a file system path that points to a digital content, a URL or IP address of a digital content stream originating from a server on Internet. The content object, in this case, is interpreted as "meta data" as claimed. A user can select a content using the content objects transmitted from the server (interpreted as host device as claimed) to the client.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANB

ANB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100